

4-21-5

JFW

HERTEN, BURSTEIN, SHERIDAN, CEVASCO,
BOTTINELLI, LITT, TOSKOS & HARZ, L.L.C.

COUNSELLORS AT LAW

COURT PLAZA NORTH

25 MAIN STREET

HACKENSACK, NEW JERSEY 07601-7032

(201) 342-6000

TELECOPIER

(201) 342-6611

Alitt@hertenburstein.com

April 20, 2005

THOMAS S. McGUIRE
LOUIS C. TOMASELLA ▲
JODI L. CAMPBELL ▲
JODI S. BRODSKY ▲
ANGELO BAGNARA
NILUFER O. DeSCHERER ▲
LISAANNE R. BIOCCHIA
CRAIG P. BOSSONG
DANIEL Y. GIELCHINSKY ▲
TANJA J. FAGAN ▲
MARINA HOPPASA
DAMON KAMVOSOULIS ▲
HOLLY C. PETERSON ▲

HERTEN ▲
ALBERT BURSTEIN
PHILIP F. SHERIDAN, JR.
ANDREW J. CEVASCO
TERRY PAUL BOTTINELLI ▲
ARNOLD D. LITT ▲
MENELAOS W. TOSKOS
STEVEN B. HARZ ▲

SUSAN M. MARRA ▲
PATRICK PAPALIA ▲

JASON T. SHAFRON ▲
SCOTT D. JACOBSON
COUNSEL TO THE FIRM

FRANCIS B. RUSCH
(1956-1995)

VIA EXPRESS MAIL (EV391149696)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RE: RESPONSE TO OFFICE ACTION DATED JANUARY 18, 2005
SERIAL NO. 10/669,406
TITLE: EXPANDABLE DRAWER ORGANIZER
APPLICANT: GAYLE ROSENBERG AND ELI S. PINE

Dear Sir:

Enclosed please find an Office Action Response to the Examiner's Office Action dated January 18, 2005.

This is a replacement of the previously filed response under cover of our letter dated April 1, 2005, and corrects the "Amendment to the Specification" by inserting the entire paragraph on Page 3 that has been amended by deleting "height" and substituting therefore the word "length".

We have previously filed the Power of Attorney from Inventor, Gayle Rosenberg, and Inventor, Eli S. Pine, appointing our firm to represent them in connection with this matter. The original Power of Attorney is with the April 1, 2005 transmittal, but we are enclosing a copy thereof for ease of reference.

For you information we are also enclosing a Notice of Non-Compliant Amendment (37 CFR 1.121) regarding our previous amendment document dated April 5, 2005.

Commissioner for Patents

April 20, 2005

Page 2

My clients would like to meet with you to discuss the detail of this invention more specifically and to provide you with models of the invention. Please contact the undersigned for purposes of setting a date and time for the interview.

Very truly yours,

**HERTEN, BURSTEIN, SHERIDAN, CEVASCO,
BOTTINELLI, LITT, TOSKOS & HARZ, LLC**

By: 

ARNOLD D. LITT, ESQ.

ADL:jlc

Enclosures

cc: Gayle Rosenberg
Eli S. Pine



APR 20 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,406	09/25/2003	Gayle Rosenberg		5038

7590 04/14/2005

HERTEN, BURSTEIN, SHERIDAN, CEVASCO, BOTTINELLI,
LITT, TOSKOS & HARZ, LLC
25 MAIN STREET
HACKENSACK, NJ 07601

EXAMINER

CASTELLANO, STEPHEN J

ART UNIT	PAPER NUMBER
----------	--------------

3727

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

APR 20 2005



10/669 406

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 4/5/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other: not presented in paragraph form
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other: _____
- ☐ 3. Amendments to the drawings: _____
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Rm Lloyd
Legal Instruments Examiner (LIE)

571-272-4366
Telephone No.



SERIAL NUMBER: 10/669,406
APPLICANT: GAYLE ROSENBERG
ELI S. PINE
TITLE: EXPANDABLE DRAWER
ORGANIZER
MAILING DATE: APRIL 5, 2004

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

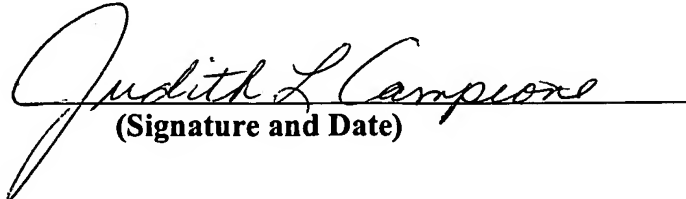
Express Mail mailing label number : EV 391149696US

Date of Deposit : APRIL 20, 2005

I hereby certify that the following is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: MAIL STOP: PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450.

1. Letter to Commissioner for Patents dated April 20, 2005;
2. Response to Office Action dated January 18, 2005;
3. Copy of Power of Attorney for Gayle Rosenberg;
4. Copy Power of Attorney for Eli S. Pine;
5. Certificate of Mailing
6. Self-addresses, stamped post card

JUDITH L. CAMPIONE
Type or Printed name of person
mailing paper


(Signature and Date)